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July 15, 2008

Ms. Victoria Rutson
Chief, Section of Environmental Analysis
Surface Transportation Board
395 E Street, S.W.
Washington, D. C. 20423

RE: Docket No. AB-33 (Sub-No. 269X), *Union Pacific Railroad Company—
Abandonment Exemption—in Osborne and Rooks Counties, KS (Osborne
to Stockton)*
Docket No. AB-486 (Sub-No. 4X), *Kyle Railroad Company—
Discontinuance Exemption—in Osborne and Rooks Counties, KS
(Osborne to Stockton)*

Dear Ms. Rutson:

Attached are comments in the above-entitled proceedings on the Combined
Environmental and Historic Report by the U.S. Fish and Wildlife Service concluding that
it has no concerns/no comment.

Thank you for your assistance. If you have any questions please call or email me.

Sincerely yours



Louis E. Gitomer
Attorney for: Kyle Railroad Company

Enclosure

FACSIMILE

U.S. FISH & WILDLIFE SERVICE
2609 ANDERSON AVENUE
MANHATTAN, KANSAS 66502
TELEPHONE: (785) 539-3474
FAX: (785) 539-8567

TO: Louis E. Gutermer
TEL. NO. _____
FROM: Mike LeValley
SUBJECT: _____
DATE: 7/14/08
TIME: _____
NUMBER OF PAGES: 2 + THIS COVER
COMMENTS: _____

LAW OFFICES OF
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June 4, 2008

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U.S. Fish and Wildlife Service
Region 6
P.O. Box 25486
Denver Federal Center
Denver, CO 80225

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Abandonment Exemption—in Osborne and Rooks Counties, KS (Osborne
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Discontinuance Exemption—in Osborne and Rooks Counties, KS (Osborne
to Stockton)*

Dear Madam/Sir:

On or about June 24, 2008, we expect to be filing with the Surface Transportation Board ("STB") a notice of exemption seeking authority for Union Pacific Railroad Company to abandon and Kyle Railroad Company to discontinue service over, the 30.13-mile rail line known as a portion of the Solomon Branch Line between west of Osborne, KS, milepost 550.5, and west of Stockton, KS, at the end of the line, milepost 580.63, in Osborne and Rooks Counties, KS (the "Line").

Attached is a Combined Environmental and Historic Report describing the proposed action and any expected environmental and historic effects, as well as a map of the affected area. We are providing this report so that you may review the information that will form the basis for the STB's independent environmental analysis of this proceeding. If any of the information is misleading or incorrect, if you believe that pertinent information is missing, or if you have any questions about the STB's environmental review process, please contact the Section of Environmental Analysis (SEA), Surface Transportation Board, 395 E Street, SW, Washington, DC 20423, telephone 202-245-0295 and refer to the above Docket Nos. AB-33 (Sub-No. 269X) and AB-486 (Sub-No. 4X).

Date 7/10/08

☒ No Concerns/No Comment

Signed

Michael J. LeValley
Michael J. LeValley

Field Supervisor

U.S. Fish and Wildlife Service

Kansas Ecological Services Field Office

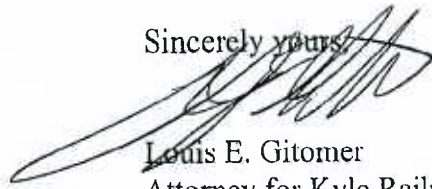
U.S. Fish and Wildlife Service

June 4, 2008

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Because the applicable statutes and regulations impose stringent deadlines for processing this action, your written comments to SEA (with a copy to our representative) would be appreciated within 3 weeks. Your comments will be considered by the STB in evaluating the environmental impacts of the contemplated action. If there are any questions concerning this proposal, please contact our representative directly. Our representative in this matter is Louis E. Gitomer who may be contacted by telephone at 410-296-2250, email at Lou_Gitomer@verizon.net, or mail at Law Offices of Louis E. Gitomer, 600 Baltimore Avenue, Suite 301, Towson, MD 21204.

Sincerely yours,

A handwritten signature in black ink, appearing to read 'Louis E. Gitomer', written over the typed name.

Louis E. Gitomer
Attorney for Kyle Railroad Company

Enclosure